



LEGISLATIVE FISCAL OFFICE  
Fiscal Note

Fiscal Note On: **HB 55** HLS 11RS 529

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> April 22, 2011	6:15 AM	<b>Author:</b> THIERRY
<b>Dept./Agy.:</b> Corrections		
<b>Subject:</b> Unlawful Use or Access of Social Media		<b>Analyst:</b> Matthew LaBruyere

CRIME/SEX OFFENSES OR INCREASE GF EX See Note Page 1 of 1  
Prohibits certain sex offenders from using or accessing social networking websites, chat rooms, and peer-to-peer networks

Proposed legislation creates the crime of unlawful use or access of social media by certain convicted sex offenders when the sex offense involved or was facilitated by the use of a computer or any other device with internet capability or in which the victim of the sex offense was a minor and the offense involved or was facilitated by the use of a computer or any other device with internet capability. Proposed legislation exempts offenders who receive approval to access social media from his probation or parole officer or a court of competent jurisdiction; or in the case of contact with a minor, receives approval from the minor’s legal guardian and with the approval of his probation or parole officer or a court of competent jurisdiction. Proposed legislation provides that whoever violates the provisions, upon first conviction, be fined no more than \$10,000 and be imprisoned at hard labor for not more than 10 years without benefit of parole, probation, or suspension of sentence; and provides that upon second or subsequent conviction, be fined no more than \$20,000 and be imprisoned at hard labor for not less than 5 years nor more than 20 years without benefit of parole, probation, or suspension of sentence.

EXPENDITURES	2011-12	2012-13	2013-14	2014-15	2015-16	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
Annual Total	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

REVENUES	2011-12	2012-13	2013-14	2014-15	2015-16	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

EXPENDITURE EXPLANATION

The proposed legislation may result in an increase in state general fund expenditures if a defendant is convicted of unlawful use or access of social media. The exact fiscal impact of the passage of this legislation is indeterminable, since it creates a new crime and it is not known how many people will be convicted of this crime. However, any offender sentenced to the custody of the Department of Public Safety and Corrections increases expenditures by \$55.78 per day per offender in state facilities, since the penalty provides for imprisonment at hard labor. The annual cost of incarceration at the state level is \$20,360.

For illustrative purposes, if the offender, upon first conviction, serves the minimum of 10 years, the total cost of incarceration would be \$203,600 (1 offender x \$20,360 per year x 10 years).

REVENUE EXPLANATION

There is no anticipated direct material effect on state revenues as a result of this measure. However, any revenue generated through the imposition of fines as a result of conviction would accrue to local government entities.

Senate	Dual Referral Rules	House	<i>Evan Brasseaux</i>
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost		<input type="checkbox"/> 6.8(F) >= \$100,000 Annual SGF Cost	
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease	<b>Evan Brasseaux Staff Director</b>